





APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/763,827 04/23/2001		Andrew J Garman	3764-78 3757		
23117	7590 11/02/2004	EXAMINER			
	ANDERHYE, PC	COUNTS, GARY W			
1100 N GLEB 8TH FLOOR	E ROAD		ART UNIT	PAPER NUMBER	
ARLINGTON, VA 22201-4714			1641	<u> </u>	
			DATE MAILED: 11/02/2004		

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.		Applicant(s)				
	09/763,827		GARMAN, ANDREV	V .I			
Notice of Allowability	Examiner		Art Unit				
	Gary W. Co.	ınts	1641				
Gary W. Counts The MAILING DATE of this communication appears on the cover sheet with the correspondence address All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308. 1. Allowed claim(s) is/are 2.3.8-10 (renumbered respectively 1-5). 3. The drawings filed on 19 June 2002 are accepted by the Examiner. 4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some* c) None of the: 1. Certified copies of the priority documents have been received.							
2. Certified copies of the priority documents have been received in Application No							
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)). * Certified copies not received: 5. Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). (a) The translation of the foreign language provisional application has been received. 6. Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. 							
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE. 7. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.							
 8. CORRECTED DRAWINGS must be submitted. (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached 1) hereto or 2) to Paper No. (b) including changes required by the proposed drawing correction filed, which has been approved by the Examiner. (c) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No 							
ldentifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the top margin (not the back) of each sheet. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.							
9. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.							
Attachment(s)							
 1 ☐ Notice of References Cited (PTO-892) 3 ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 5 ☐ Information Disclosure Statements (PTO-1449), Paper No 7 ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material 		2☐ Notice of Informa 4☐ Interview Summa 6⊠ Examiner's Amer 8☐ Examiner's State 9☐ Other .	ary (PTO-413), Paper adment/Comment	No			

#18/E 4. L

Application/Control Number: 09/763,827

Art Unit: 1641

Page 2

Upon further consideration of the current application the following amendments are made in order to further clarify and define the diffusion region of the microfabricated binding assay device.

Examiner's Amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Leonard Mitchard, Attorney on October 28, 2004.

IN THE CLAIMS:

Replaced claim 2 with:

-Claim 2 A microfabricated binding assay device comprising:

- (1) an internal surface defining a microfabricated conduit,
- (2) the microfabricated conduit having at least one inlet for introducing liquid and a mixture comprising a test compound and a receptor or a test compound, a receptor and a ligand,
- (3) means for forming a diffusion region within the microfabricated conduit which extends across the entire cross-section of the conduit, wherein the diffusion region contains the mixture;

25

0

Art Unit: 1641

Page 3

E

(4) an outlet for exiting liquid from the microfabricated conduit, such that in use the ability of the test compound to prevent the binding of the ligand, if present, to the receptor, or the ability of the test compound to bind the receptor, is determined by reference to the diffusion of the test compound, the receptor or the ligand out of the diffusion region.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary W. Counts whose telephone number is (571) 2720817. The examiner can normally be reached on M-F 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Le can be reached on (571) 272-0823. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gary Counts

Examiner

Art Unit 1641

October 29, 2004

Loube

LONG V. LE SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 1600

10/29/04

24